

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/5/2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CANOO INC.,

Plaintiff,

-against-

DD GLOBAL HOLDINGS LTD.,

Defendant.

1:22-cv-03747-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

This case has been closed since October 22, 2024—subject to a motion to reopen on 30 days’ notice—pursuant to advice from both parties that they had reached a settlement in principle. [ECF Nos. 39, 41]. The deadline to move to reopen was extended multiple times. [ECF Nos. 42, 44, 46, 48, 50]. In the interim, Plaintiff and several affiliates have filed a Chapter 7 bankruptcy petition and moved to stay this case, and to extend the deadline to reopen the case until the Chapter 7 trustee is appointed and has time to review the matter. [ECF No. 52]. The request for a stay was denied and the deadline to move to reopen was extended several times. [ECF Nos. 55, 57]. Since then, Counsel for Canoo, Inc. notified the Court that the Delaware District Bankruptcy Court had appointed a trustee and that Counsel had not been retained by the debtor’s estate. [ECF No. 58]. Thereafter, the Court extended the deadline to reopen the case to April 17, 2025 and ordered the Bankruptcy Trustee for Canoo, Inc. to advise the Court of the status of the Bankruptcy case and the settlement between the parties to this case. [ECF No. 60].

The Bankruptcy Trustee thereafter filed a letter stating that the parties in this case have reached settlement in principle and that the Trustee will file a stipulation of dismissal with prejudice after the settlement agreement is finalized and the Bankruptcy Court approves the agreement. [ECF No. 61]. The Bankruptcy Trustee seems to misunderstand the status of this case.


The Case has already been dismissed without prejudice to restoring the action to this Court's calendar. [ECF No. 41]. If no application to extend the deadline for parties to request to reopen the case is made, the dismissal of the action will be with prejudice. [ECF No. 41]. Given this misunderstanding, the Court extends the deadline to reopen this case *nunc pro tunc* to June 4, 2025. If the Trustee or the Defendant seeks to extend the deadline to reopen this case, it must do so prior to June 4, 2025.

Counsel for Canoo, Inc. is directed to serve this order on the Trustee.

The parties are reminded that failure to comply with this Order or with any order of the Court or comply with the FRCP, the Local Rules for the SDNY or this Court's Individual Practice Rules, or their discovery or other obligations may result in sanctions, including monetary penalties on counsel and/or the parties, dismissal or preclusion of claims, defenses, arguments, or evidence.

SO ORDERED.

**Date: May 5, 2025
New York, NY**


MARY KAY VYSKOCIL
United States District Judge